

D. J. asks the Utah Labor Commission to review Administrative Law Judge George's decision regarding Mr. J.' claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12, Utah Code Ann. §34A-2-801(3) and Utah Admin. Code R602-2-1.M.

### **BACKGROUND AND ISSUES PRESENTED**

Mr. J. injured his right wrist in 1989 while working for Rodney Rasmussen. Rasmussen and its insurance carrier, the Workers Compensation Fund (referred to jointly as "Rasmussen" hereafter), have accepted liability for benefits due Mr. J. as a result of this injury.

In 1994, Mr. J. began work for Georgia Pacific. He continued to experience difficulties with his wrist. He underwent surgery during February, 1999, to fuse the wrist and install a metal plate. The metal plate later fractured and Mr. J. underwent repair surgery during February, 2000. He now seeks payment of medical expenses and disability compensation in connection with the repair surgery.

Judge George held an evidentiary hearing on Mr. J.' claims on December 20, 2002. On August 22, 2003, Judge George issued a decision: 1) exonerating Georgia Pacific from any liability; 2) holding Rasmussen liable for Mr. J.' medical expenses; and 3) releasing Rasmussen from liability for any disability compensation on the grounds that such compensation is barred by §35-1-65(1) of the Act, in effect at the time of Mr. J.' 1989 accident. (The equivalent provision is now codified as §34A-2-410 of the Act.)

Mr. J. contends Judge George's findings of fact are inadequate and incorrect, thereby leading to the erroneous conclusion that Georgia Pacific is not liable for benefits. Mr. J. also contends Judge George erred in releasing Rasmussen from liability for Mr. J.' most recent disability compensation.

### **DISCUSSION**

Mr. J.' preliminary argument is that Judge George's findings of fact are inadequate. In considering this argument, the Commission notes that §63-46b-10 of the Utah Administrative Procedures Act ("UAPA") imposes content requirements for orders arising out of formal administrative adjudicatory proceedings. UAPA mandates that such orders include findings of fact which are based exclusively on the evidentiary record. UAPA also requires the orders to contain conclusions of law and an explanation of the reasoning underlying the decision.

Utah's appellate courts have also established content requirements for administrative adjudicative orders. For example, in Mountain States Legal Found. v. Public Serv. Comm'n, 636 P.2d 1047, 1052 (Utah 1981), the Utah Supreme Court stated:

For this Court to sustain an order, the findings must be sufficiently detailed to demonstrate that the Commission has properly arrived at the ultimate factual findings and has properly applied the governing rules of law to those findings....

In summary, UAPA and appellate precedent establish minimum standards for administrative adjudicative decisions. But beyond those minimum standards, the Commission expects that administrative decisions issued under the Commission's authority will clearly and correctly identify the issues in dispute, determine the facts that are relevant to those issues, identify the applicable legal standards, and then explain how those legal standards apply to the facts.

The decision in this case consists of a confusing mix of procedural history, summaries of arguments and editorial comments. The decision then jumps to abbreviated conclusions of law that neither discuss the relevant legal standards nor explain the application of those standards to the facts of the case. The Commission therefore remands Mr. J.' claim to Judge George. On remand, Judge George will prepare and issue a new decision that satisfies the Commission's expectations for accuracy, organization and reasoning. Because of the delay that has already occurred in resolving Mr. J.' claim, Judge George is instructed to give immediate attention to this matter. Finally, any party dissatisfied with Judge George's substitute decision may request further agency review.

### **ORDER**

The Commission remands this matter to Judge George for further proceedings consistent with this decision. It is so ordered.

Dated this 20<sup>th</sup> day of April, 2004.

R. Lee Ellertson, Commissioner